

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

IN RE: ASBESTOS PRODUCTS : CONSOLIDATED UNDER
LIABILITY LITIGATION (No. VI) : MDL 875

DARYL ESTON YOUMANS

FILED

Plaintiff

SEP - 6 2011

CIVIL ACTION
No. 09-74356

v.

MICHAEL E. KUNZ, Clerk
By _____ Dep. Clerk

CSX TRANSPORTATION, INC.,

Transferred from the Southern
District of Georgia
91-00221

Defendant.

O R D E R

AND NOW, this **1st** day of **September, 2011** it is hereby
ORDERED that the Report and Recommendation issued by United
States Magistrate Judge M. Faith Angell (doc. no. 15), filed on
August 10, 2011, as to Defendant CSX Transportation, Inc.'s
Motion for Summary Judgment (doc. no. 12) is **ADOPTED**.¹

It is further **ORDERED** that Defendant CSX Transportation,
Inc.'s Motion for Summary Judgment (doc. no. 12) is **GRANTED**.
Plaintiff has not obtained admissible diagnostic reports of
asbestos-related injury and, therefore, has no competent medical
or causation evidence to support his FELA claim.

It is further **ORDERED** that this case be transferred to the
bankruptcy-only docket and be marked **CLOSED**.

¹ No objections were filed within fourteen (14) days as
provided for by Local Rule of Civil Procedure 72.1.

Case No. 09-74356

AND IT IS SO ORDERED.



Handwritten signature of Eduardo C. Robreno, J. in black ink, written over a horizontal line.

EDUARDO C. ROBRENO, J.